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7	Attorneys for Complainant		
8	a successive sees to compressions.		
9	BEFORE THE PHYSICAL THERAPY BOARD OF CALIFORNIA		
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11			
12	In the Matter of the Accusation Against:	Case No. 1D 2005 64150	
13	WILLIAM D. WILLIAMS	OAH No.	
14	58 18th Street Hermosa Beach, California 90254	ACCUSATION	
15	Physical Therapist No. PT 29643		
16	Respondent.		
17			
18			
19	Complainant alleges:		
20	<u>PARTIES</u>		
21	1. Steven K. Hartzell (Complainant) brings this Accusation solely in		
22	his official capacity as the Executive Officer of the Physical Therapy Board of California,		
23	Department of Consumer Affairs.		
24	2. On or about August 17, 2004, the Physical Therapy Board of		
25	California issued Physical Therapist License Number PT 29643 to William D. Williams		
26	(Respondent). The Physical Therapist license was in full force and effect at all times		
27	relevant to the charges brought herein and will expire on October 31, 2007, unless		
28	renewed.		

1	<u>JURISDICTION</u>	
2	3. This Accusation is brought before the Physical Therapy Board of	
3	California (Board), Department of Consumer Affairs, under the authority of the following	
4	laws. All section references are to the Business and Professions Code unless otherwise	
5	indicated.	
6	4. Section 498 of the Code states:	
7	"A board may revoke, suspend, or otherwise restrict a license on the ground	
8	that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a	
9	material fact or by knowingly omitting to state a material fact."	
10	5. Section 125.3 of the Code provides, in pertinent part, that the	
11	Executive Officer may request the administrative law judge to direct a licentiate found to	
12	have committed a violation or violations of the licensing act to pay a sum not to exceed the	
13	reasonable costs of the investigation and enforcement of the case.	
14	6. Section 475 of the Code states:	
15	"(a) Notwithstanding any other provisions of this code, the provisions of	
16	this division shall govern the denial of licenses on the grounds of:	
17	"(1) Knowingly making a false statement of material fact, or knowingly	
18	omitting to state a material fact, in an application for a license.	
19	"(2) Conviction of a crime.	
20	"(3) Commission of any act involving dishonesty, fraud or deceit with the	
21	intent to substantially benefit himself or another, or substantially injure another.	
22	"(4) Commission of any act which, if done by a licentiate of the business	
23	or profession in question, would be grounds for suspension or revocation of license.	
24	"(b) Notwithstanding any other provisions of this code, the provisions of	
25	this division shall govern the suspension and revocation of licenses on grounds specified	
26	in paragraphs (1) and (2) of subdivision (a).	
27	"(c) A license shall not be denied, suspended, or revoked on the grounds of	

a lack of good moral character or any similar ground relating to an applicant's character,

reputation, personality, or habits."

# 7. Section 480 states, in pertinent part:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

5 "(1) Been convicted of

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"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo

contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of

conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the

provisions of Section 1203.4 of the Penal Code.

"(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another, or

"(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

"The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

. . . .

"(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license."

#### 8. Section 2660 of the Code states:

"The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

1		
2	"(b) Fraud in the procurement of any license under this chapter.	
3		
4	"(l) The commission of any fraudulent, dishonest, or corrupt act which is	
5	substantially related to the qualifications, functions, or duties of a physical	
6	therapist or physical therapy assistant."	
7	COST RECOVERY	
8	9. Section 2661.5 of the Code provides, in pertinent part, that the	
9	board may request the administrative law judge to direct any licentiate found guilty of	
0	unprofessional conduct to pay a sum not to exceed the actual and reasonable costs of	
1	investigation and prosecution of the case.	
2	FIRST CAUSE FOR DISCIPLINE	
.3	(Fraud in Procuring License)	
4	10. Respondent is subject to disciplinary action under sections 498, 475,	
.5	480, and 2660, subdivision (b), in that Respondent certified in his Application for Physical	
6	Therapist Examination and/or Licensure that he had never been convicted of, or pled nolo	
.7	contendere to, any offense in any state in the United States or a foreign country, when, in	
8	fact, he had been convicted of criminal offenses in South Dakota. The circumstances are	
9	as follows:	
20	11. Respondent sought to become a licensed physical therapist in	
21	California. He completed his Application for Physical Therapist Examination and/or	
22	licensure to do this. The application, at question 18, asked Respondent: "Have you ever	
23	been convicted of, or pled nolo contendere to any offense in any state in the United States	
24	or a foreign country?" Respondent checked the box indicating "No." On May 13, 2004,	
25	Respondent signed his Application for Physical Therapist Examination and/or licensure,	
26	affirming under penalty of perjury, that the contents of his application were true.	
27	12. However, on or about August 3, 1998, in a criminal proceeding	

28 entitled State of South Dakota v. William D. Williams in Brookings Superior Court, Case

Number 98-0340, Respondent was convicted of violating South Dakota Codified Law
section 22-35-5, criminal trespass (entering or remaining in a building when not
authorized) and South Dakota Codified Law section 35-9-2 (consumption/ possession of
alcoholic beverages by a minor). For criminal trespass, Respondent was ordered to pay a
fine and costs and to serve 30 days of jail time. For consumption/possession of alcoholic
beverages by a minor, Respondent was ordered to pay a fine and costs and serve 5 days of
jail time. All jail time imposed was suspended on the condition that Respondent pay the
fines and costs and obey the law for a period of one year.

13. By checking the box marked "No," Respondent knowingly misrepresented his criminal history, which the application required him to reveal. By Respondent's checking the box indicating "No," and thereafter submitting his application to the Board, Respondent secured his license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.

## SECOND CAUSE FOR DISCIPLINE

(Dishonesty Substantially Related to Qualifications of Physical Therapist)

14. By reason of the matters alleged in paragraphs 10 through 13, Respondent is subject to disciplinary action under sections 498, 475, 480, and 2660, subdivision (l), of the Code in that Respondent committed a fraudulent or dishonest act substantially related to the qualifications of a physical therapist.

### **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

- Revoking or suspending Physical Therapist Number PT 29643,
   issued to Respondent.
- Ordering Respondent to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;

1	<ol> <li>Taking such other and further action as deemed necessary and</li> </ol>
2	proper.
3	
4	DATED: December 21, 2006
5	Oniginal Signed Dry
6	<u>Original Signed By:</u> STEVEN K. HARTZELL Executive Officer
7	Physical Therapy Board of California Department of Consumer Affairs State of California
8	State of California Complainant
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